

Art Unit 2653
Serial No. 10/633,145

PATENT
Attorney Docket No.: K35A1301

REMARKS

Independent claims 1 and 5 have been amended in a manner that adds no new matter. The limitation added to claims 1 and 5, requiring an HGA base plate, is supported by the drawings. Specifically it is supported at least by item number 43 shown in Fig. 4, and by associated language in the specification.

Applicant respectfully submits that the following remarks specifically point out how the language of the claims patentably distinguishes them from the prior art of record including US Patent 5,656,877 to Loubier ("Loubier") in view of US Patent 6,728,073 to Budde et al ("Budde").

Firstly, the definition of "trace suspension flex" given and relied upon by the examiner in rejecting the claims does not accord with the express language of the present patent application, including claim language. The present application both specifies and requires that a *"trace suspension flex" has a "metal base layer and a plurality of conductors supported by the metal base layer."* However, on page 4 of the final office action, the examiner defines "trace suspension flex" to encompass "flexible wires tracing a path to the transducer from the voice coil motor". Such a potentially broader definition of "trace suspension flex" should not be relied upon by the examiner in rejecting the claims because such a definition does not accord with the express language of the present patent application, including the language of the pending claims.

Secondly, the protrusions in Budde are simply not actuator arm protrusions. Rather the protrusions in Budde are part of a head gimbal assembly (HGA) 40, and they protrude from the load beam 42 of the HGA 40 – specifically from the part of the load beam 42 identified as "base plate 56". The pending claims also separately recite the head gimbal assembly (HGA) and the actuator arm as different structures; one is not a part of the other. The presently pending claims always allowed the head gimbal assembly to include a base plate, but now the pending claims have been further amended to specifically require that the HGA include a base plate component. Certainly the pending claims rule out the possibility that the base plate be considered as

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part of the actuator arm (which is recited separately from the HGA). Therefore Budde also does not teach or disclose any *actuator arm protrusions* in contact with a trace suspension flex.

Accordingly, the contact locations circled in the examiner's drawing (excerpted from Budde) can not be properly considered as being actuator arm protrusions. Rather they are protrusions from Budde's load beam 42 of HGA 40 – specifically from the part of the load beam 42 identified as "base plate 56" – which can not be considered as part of an "actuator arm" in the context of the pending claims.

Since neither Loubier nor Budde teaches or discloses any actuator arm protrusions in contact with a trace suspension flex, their combination cannot properly be understood to teach or disclose that absent claim limitation. Accordingly, no proper prima facie case of obviousness can be based on the combination of Loubier and Budde.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims 1-9 are now in condition for allowance and requests reconsideration of the rejections. If the examiner still does not find the amended claims to be allowable, the applicant requests that the examiner at least enter this response and amendment to clarify the two issues described herein (for appeal).

Please charge any additional fees, including any fees for additional extension of time, or credit overpayments to Deposit Account No. 23-1209.

Respectfully submitted,

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